

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/19/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
HECTOR BONAPARTE,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 3, 2020, the Government provided Mr. Bonaparte's medical records from the Metropolitan Detention Center ("MDC") to the Court and Defense counsel under seal;

WHEREAS those medical records indicate that Mr. Bonaparte was scheduled for a colonoscopy with a target date of February 18, 2021, *see* Medical Records at 2;

WHEREAS on December 8, 2020, the Court expressed concern that the Bureau of Prisons ("BOP") was "not being sufficiently proactive in terms of getting [Mr. Bonaparte] into a situation where he can get a colonoscopy," *see* Transcript, Dkt. 321 at 28–29;

WHEREAS on December 10, 2020, the Court ordered the Government to inform the Court whether the BOP had scheduled Mr. Bonaparte's colonoscopy to take place by the end of 2020, *see* Order, Dkt. 292;

WHEREAS on December 17, 2020, the Government informed the Court that the MDC was unable to advance Mr. Bonaparte's procedure without delaying other, more urgent medical visits, *see* Sealed Letter;

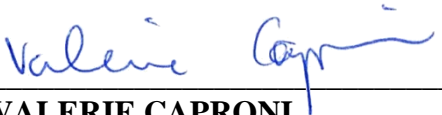
WHEREAS on October 5, 2021, Defense counsel reported that Mr. Bonaparte has still not undergone a colonoscopy, even though it has been more than a year since he reported symptoms, *see* Def. Submission, Dkt. 576 at 8; and

WHEREAS Defense counsel further reports that Mr. Bonaparte has requested the COVID vaccine “last month,” and that Defense counsel has followed up with MDC staff but that as of October 5, 2021, Mr. Bonaparte had not received the vaccine, *see id.* at 7, 7 n.3;

IT IS HEREBY ORDERED that by no later than **Thursday, October 21, 2021 at 5:00 P.M.**, the Government must explain why Mr. Bonaparte has not had a colonoscopy. The Government must further inform the Court whether Mr. Bonaparte has received the first dose of the COVID-19 vaccine and if not, why not and when the MDC will vaccinate Mr. Bonaparte.

SO ORDERED.

Dated: October 19, 2021
New York, NY



VALERIE CAPRONI
United States District Judge